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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,494	12/19/2001	Norbert Dreer	SB-488	9282

7590

06/06/2003

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EXAMINER

CRANE, DANIEL C

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 06/06/2003

11

Office Action Summary

Application No.

10/026,494

Applicant(s)

DREER ET AL.

Examiner

Daniel C Crane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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REJECTION OF CLAIMS OVER PRIOR ART

Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Grierson (3,988,118). See column 4, fourth full paragraph, and Table 1 (columns 5 and 6) where the hot forming tool is shown to have a composition that falls within the claimed range. Applicants' narrow range is encompassed by Grierson's composition range. As to the claims directed to the chromium range of 4 to 6% by weight, see TABLE I, Sample No. 2.

Claims 4, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grierson (3,988,118). While Grierson does not indicate that the tungsten based alloy is for use as an "extrusion" or "hot-forging" die, it is clearly evident that the skilled artisan familiar with this art would have recognized such a use. Clearly, Grierson contemplates this in light of the fact that Grierson comments that the disclosed alloy is "used to give *dies* and *other shaping members* longer life" (paragraph bridging columns 7 and 8, emphasis added).

RESPONSE TO APPLICANT COMMENTS

Applicants have requested that the Examiner confirm that the Preliminary Amendment of April 11, 2002 has been entered. Its entry is confirmed herein.

Applicants' comments relative to the applied prior art against the claims have been

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molds, cores, core pins and other metal shaping members” (column 1, lines 61-63) and since die casting dies form the material from a liquid to a solid state, Grierson’s tool is for “hot forming...in a solid state” (claim 1).

Responding to applicants’ comments concerning the fact that applicants’ tool material is for forging or extrusion tools, it is the examiner’s position that Grierson’s material makes evident its use in any hot metal forming tools since (1) the same results will occur (resistant to high temperature forming, longer life and elimination of cracks produced during the forming operation) and (2) the fields of endeavor are identical (metal deforming). Furthermore, Grierson contemplates “other metal shaping members” (column 1, lines 61 and 62, and claims 2 and 5). In addition, while Grierson’s tool is for shaping of molten metal, the molten metal does become solid during processing. In this case, Grierson’s tool reacts with the solid-state material in a similar fashion to applicants’ offering all the same advantages of the specific forming tool material, whether the work material is molten or solid state.

FINAL OFFICE ACTION

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

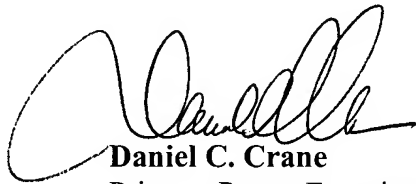
INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (703) 308-1870. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Allen Ostrager, can be reached at (703) 308-3136.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Documents related to the instant application may be submitted directly to Group 3700 by facsimile transmission at all times. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Group 3725 Facsimile Center number is (703) 305-3579.

DCCrane
June 6, 2003



Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725